

STAFF REPORT

TO: Mayor Worley and City Council
VIA: James Westbrook, City Manager
FROM: Scott Shuford, Planning and Development Director
DATE: 4-19-05 (w/s)
5-10-05 (formal)
PREPARED BY: Joe Heard,
Director of Development Services
SUBJECT: Petition for Zoning Study – Western End of Sardis Road

Summary Statement: The consideration of a request from property owners for a zoning study for properties along the western end of Sardis Road, near the intersection with Sand Hill Road.

Review: Section 7-7-2 of the Unified Development Ordinance (UDO) provides property owners with a method to petition City Council to authorize a zoning study for property not entirely owned by them. The Code requires that at least 51% of property owners in the area join the request and, in this case, the percentage has been reached. The petition process does not require City Council to ask staff to undertake the zoning study; it only requires that Council consider the request.

The area included in the petition is described on the Map #1. In the staff's opinion, this area does not contain all relevant property that should be examined in a zoning study. If Council directs that staff analyze the zoning of this area, then it is recommended that the area be expanded to the proportions illustrated on the Map #2 including all of the CB-II zoned area.

The request is prompted by the petitioners' belief that much of the current development in this area does not comply with the standards for development (particularly restrictions on car sales lots and parking location requirements) in the Community Business II (CB-II) district. The petitioners would prefer a zoning designation of Commercial Industrial (CI) to maximize the number of allowed uses, bring most of the current development into conformity, and allow for future development standards to be more consistent with the current development pattern.

Pro –

- The zoning study would enable the issue about the appropriate zoning of this neighborhood to be decided by City Council.

Con –

- The study will consume limited staff resources that could be devoted to other projects.

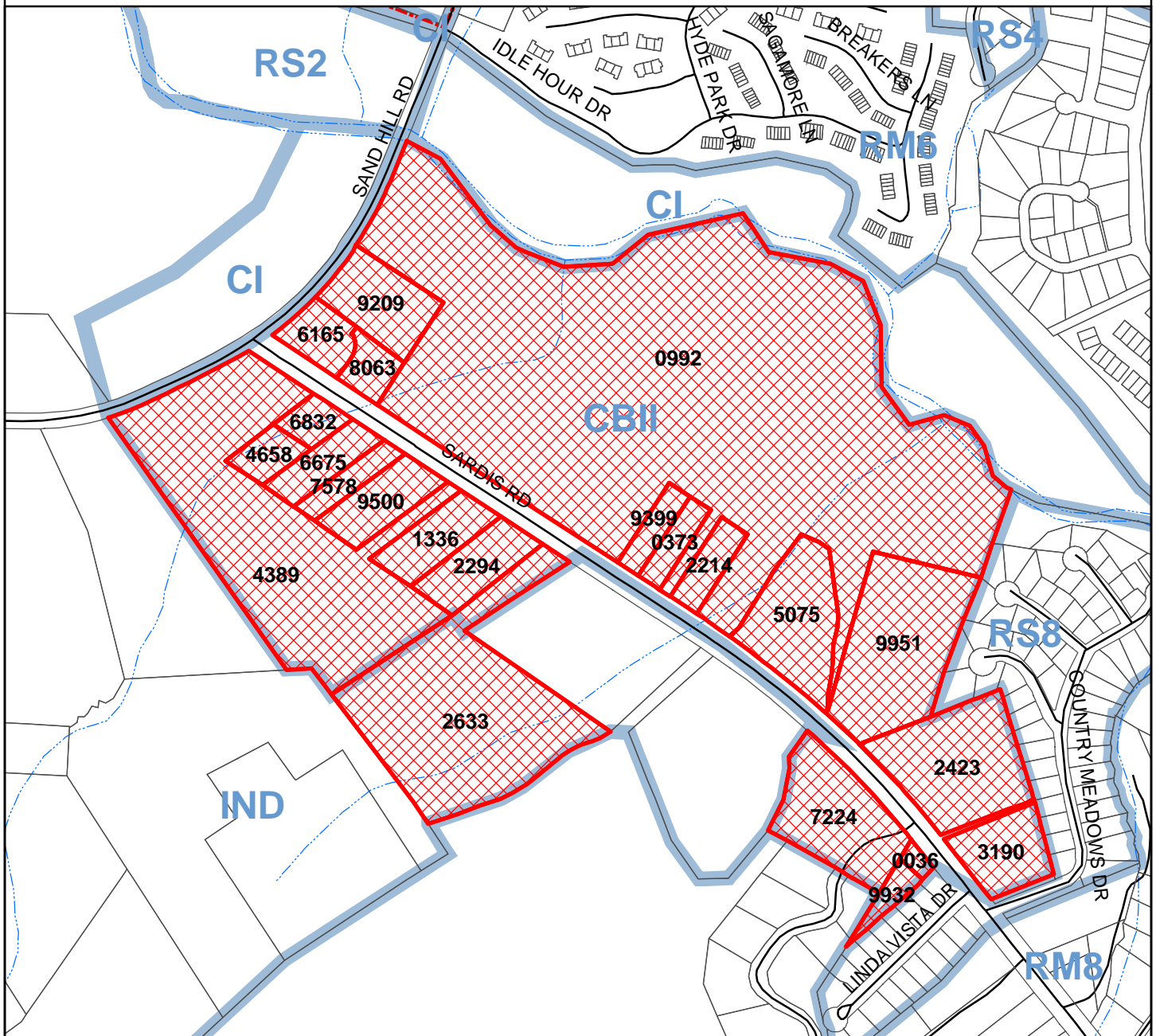
Recommendation: Planning & Development staff is presently involved with projects such as annexation coordination, development review, neighborhood planning, and other special studies to implement Council's strategic plan goals. Performing a zoning study for the Sardis Road area would require some of these other duties to be reprioritized. If City Council desires the requested rezoning study be performed, then staff recommends that the study encompass the larger area described in Map 2.

Attachments:







- (1) Map 1
- (2) Map 2
- (3) Aerial Map
- (4) Petition



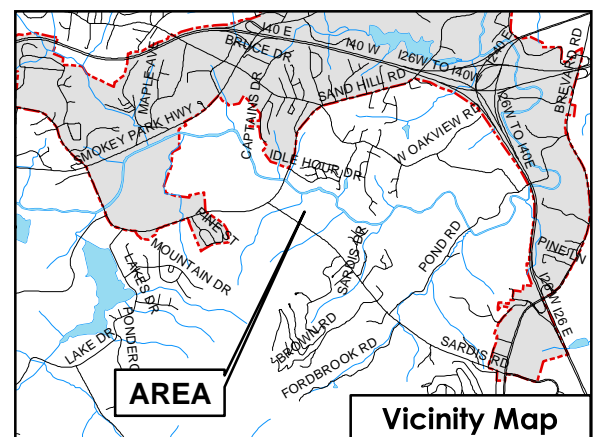
Sardis Road Area Map 2



This map's selected area indicates the parcels that fall partially or entirely within the CBII zoning district. The area consists of 23 parcels.

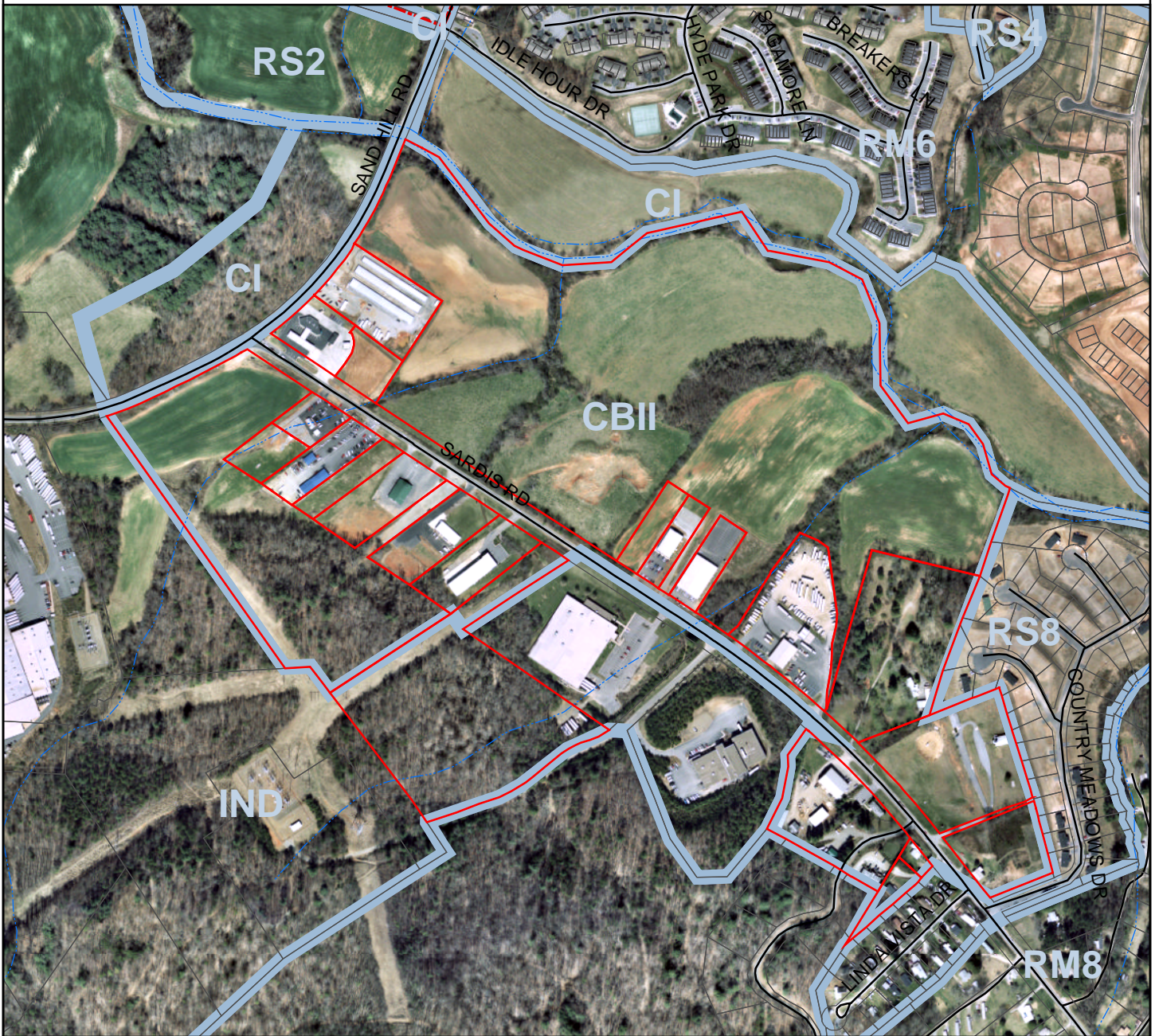
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|---|---|---|
|  Selected Area |  Zoning Districts |  Streets |
|  Parcels |  Asheville City Limits |  Streams |

City of Asheville Planning and Development Department - March 11, 2005





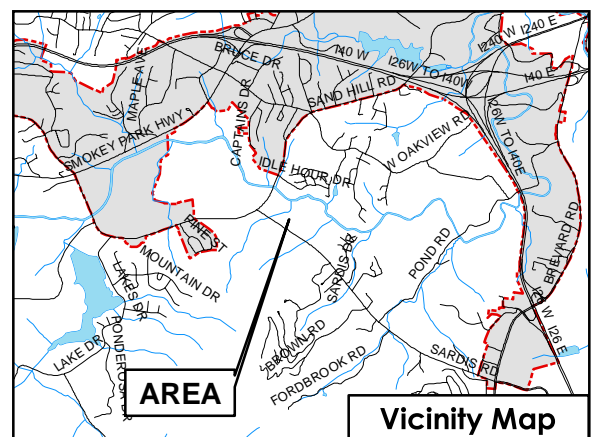
Sardis Road Area Aerial View



This map's selected area indicates the parcels that fall partially or entirely within the CBII zoning district. The area consists of 23 parcels.

- | | | |
|---------------|-----------------------|---------|
| Selected Area | Zoning Districts | Streets |
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City of Asheville Planning and Development Department - March 11, 2005



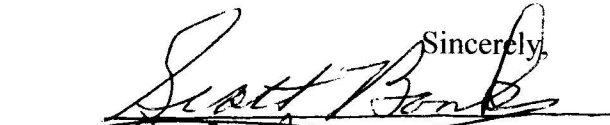
January 24, 2005

Joe Heard
Asheville City Planning and Zoning
P.O. Box 7148
Asheville, NC 28802

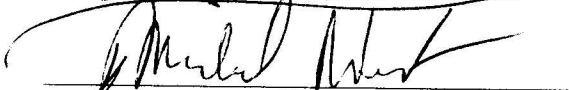
Dear Mr. Heard:

We the business and property owners of Sardis Road feel we were zoned incorrectly and would like to request a rezoning from CBII to CI (Commercial Industrial).

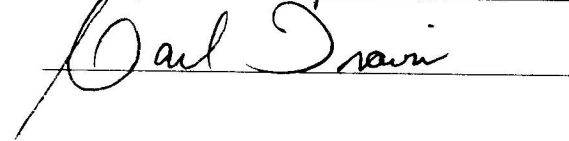
Sincerely,



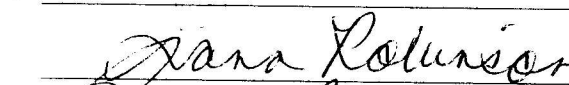
Bank-West Investments, LLC



Pioneer Enterprises, LLC



Quality Properties, LP



Lana Robinson



Bruce Moss, INC




Paul H. Smith



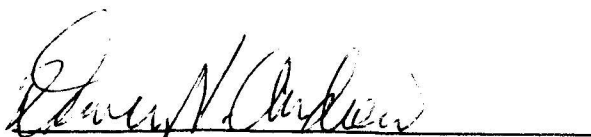
Charles Allen Lynch



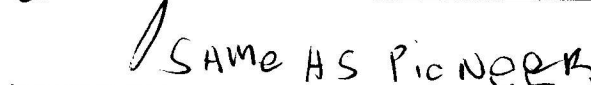
JOPE, INC



The Oil Can, Inc.
243 Sardis Road
Asheville NC 28806



DRTA Properties



Asheville Mini Storage

ENTeprises

January 24, 2005

Joe Heard
Asheville City Planning and Zoning
P.O. Box 7148
Asheville, NC 28802

Dear Mr. Heard:

We the business and property owners of Sardis Road feel we were zoned incorrectly and would like to request a rezoning from CBII to CI (Commercial Industrial).

A handwritten signature in cursive script, appearing to read "Charles Lynch".

Charles Lynch

Quality Air



Mountain Empire Oil Company
P.O. Box 5998
Johnson City, TN 37602
(423) 928-7241

March 18, 2005

Joe Heard
Director of Development Services
City of Asheville

Dear Mr. Heard:

As property owner of 491 Sardis Road, Asheville, NC, I am in favor of rezoning our property from Central Business District II to a Commercial Industrial District.

Respectfully,

Warren Broyles
General Manager
Quality Properties, L.P.

BP Stations